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KONRAD RAYNES & VICTOR, LLP ATTN: IBM54 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212			SANTOS, PATRICK J D	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,952

Applicant(s)

DELMONACO ET AL.

Examiner

Patrick J Santos

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☒ Claim(s) 1-4, 21-24 and 41-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-30-01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1-4, 21-24, and 41-44 are objected to because of the following informalities:
 - the word “and” should follow the first item (ii) rather than item (i) (Claim 1, ln. 5; Claim 21, ln. 6; and Claim 41, ln. 5); and
 - the second item (ii) should be numbered item (iii) (Claim 1, ln. 8; Claim 21, ln. 9; and Claim 41, ln. 8).

Dependent Claims 2-4, 22-24, and 42-44 inherit same deficiency from Independent Claims 1, 21, and 41. Appropriate correction is required.

2. Applicant is advised that should Claims 5, 11, 12, and 13 be found allowable, respective Claims 16, 17, 18, and 19 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Examiner notes that the only difference is the changing of the phrase “in one source code file” (Claim 5, ln. 4) to the phrase “in one source code file” (Claim 16, ln. 4). When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Additionally, Claim 20, which depends on Claim 16 will be found to be dependent on a rejected claim.

3. Applicant is advised that should Claim 25 be found allowable, respective Claim 36 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Examiner notes that the only difference is the changing of the phrase “in one source code file” (Claim 25, Ins. 4-5) to the phrase “in one source code file” (Claim 36, Ins. 4-5). When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Additionally, Claim 40, which depends on Claim 36 will be found to be dependent on a rejected claim.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-4, 21-24, and 41-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

In the present case, Claims 1-4, 21-24, and 41-44 are directed towards the maintenance of data of source code, and furthermore that the data is in a data store. Therefore, the subject matter of Claims 1-4, 21-24, and 41-44 are within the technological arts.

Additionally, for a claimed invention to be statutory, the claimed invention must also produce a useful, concrete, and tangible result. “Usefulness” may be evidenced by, but not limited to, a specific utility of the claimed invention. “Concreteness” may be evidenced by, but not limited to repeatability and/or implementation without undue experimentation. “Tangibility” may be evidenced by, but not limited to, a real or actual effect.

However, Claims 1-4, 21-24, and 41-44 merely result in a data store containing data which is not directed to a tangible effect. This contrasts with Claims 5-20, 25-40, and 45-60 which are explicitly directed to “impact analysis.” As a result, Claims 1-4, 21-24, and 41-44 are directed to non-statutory subject matter, and rejected under 35 U.S.C. 101 as lacking tangibility.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-14, 16-34, 36, 40-54, and 56-60 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,452,449 issued to Baldwin et al. (“Baldwin ‘449”).

Claim 1:

Regarding Claim 1, Baldwin ‘449 discloses: a method for maintaining data on a plurality of source code files (Baldwin ‘449: Abstract), comprising:

(a) generating a data store, for each source code file and for each program statement in the source code file (Baldwin ‘449: col. 3, lns. 38-43), by:

- (i) generating information on the program statement (Baldwin '449: col. 4, lns. 34-40);
 - (ii) generating information on each program artifact referenced as an input parameter in the program statement (Baldwin '449: col. 4, lns. 40-48; col. 14, lns. 48-54 - note a reference that does not change a parameter value is an input parameter);
 - (iii) generating information on each program artifact referenced as an output parameter in the program statement (Baldwin '449: col. 4, lns. 40-48; col. 14, lns. 48-54 - note a reference that changes a parameter value is an output parameter);
and
- (b) using the data store to determine program artifacts throughout all of the source code files capable of being affected by any one program statement in any of the source code files (Baldwin '449: col. 4, lns. 48-53).

Claims 2-3:

Regarding Claims 2-3, Baldwin '449 discloses all the limitations of Claim 1 *supra*.

Additionally, Baldwin '449 discloses:

- (Claim 2) wherein the source code files comprise components of an application program, wherein the data store indicates program artifacts in source code files of application programs (Baldwin '449: col. 3, lns. 49-52).
- (Claim 3) wherein generating information on the program statements and program artifacts comprises associating each program artifact with a program statement referencing the program artifact (Baldwin '449: col. 4, ln. 54 to col. 5, ln. 55 - note the "process analysis" and "impact analysis" items) as one input or output parameter and

information indicating whether the program statement references the program artifact as input or output (Baldwin '449: col. 14, lns. 48-54 - note indicating if a module changes a parameter value indicates whether the parameter is an input or an output parameter).

Claim 4:

Regarding Claim 4, Baldwin '449 discloses all the limitations of Claim 1 *supra*. Additionally, Baldwin '449 discloses: wherein the program artifact comprises a variable, Input/Output buffer or file (Baldwin '449: col. 14, ln. 45 to col. 15, ln. 13 - note COBOL procedures pass variables, buffers, and files).

Claim 5:

Regarding Claim 5, Baldwin '449 discloses: a method for performing an impact analysis (Baldwin '449: Abstract; col. 4, lns. 9-10) of program statements in a source code file that is one of a plurality of source code files (Baldwin '449: col. 3, lns. 55-60), wherein each program statement has at least one of an input parameter and output parameter (Baldwin '449: col. 4, lns. 42-44), comprising:

- receiving selection of at least one program statement in one source code file (Baldwin '449: col. 4, lns. 10-29 – note “global module selection”); and
- for each selected program statement, determining program statements throughout the source code files having as one input parameter one program artifact that is affected by the selected program statement (Baldwin '449: col. 4, ln. 54 to col. 5, ln. 55 - note the "process analysis" and "impact analysis" items).

Claims 6-7, 10-12, and 14:

Regarding Claims 6-7, 10-12, and 14, Baldwin '449 discloses all the limitations of Claim 5 *supra*. Additionally, Baldwin '449 discloses:

- (Claim 6) wherein the source code files including the program artifacts affected by the selected program statement comprise components of an application program (Baldwin '449: col. 3, lns. 49-52).
- (Claim 7) wherein determining the program statements having as one input parameter one program artifact affected by the selected program statement further comprises: determining program statements in the source code files having as one input parameter the program artifact that is one output parameter to the selected program statement (Baldwin '449: col. 5, lns. 3-8).
- (Claim 10) further comprising: outputting information on determined program statements and program artifacts affected by each selected program statement (Baldwin '449: col. 3, ln. 63 to col. 4, ln. 5).
- (Claim 11) wherein the program artifact comprises a variable, Input/Output buffer or file (Baldwin '449: col. 14, ln. 45 to col. 15, ln. 13 - note COBOL procedures pass variables, buffers, and files).
- (Claim 12) wherein one program statement has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement (Baldwin '449: col. 5, lns. 3-8).
- (Claim 14) wherein if the selected program statement comprises a call to a program routine comprised of a plurality of statements in one of the source code files, then one

statement has one input parameter that is affected by the selected program statement

(Baldwin '449: col. 5, lns. 3-8) if:

- the output parameter program artifact of the selected source code statement is the input parameter program artifact to the statement (Baldwin '449: col. 14, lns. 48-54 - note indicating if a module changes a parameter value indicates whether the parameter is an input or an output parameter); or
- the input parameter of the selected source code statement is the input parameter program artifact to the statement (Baldwin '449: col. 14, lns. 48-54 - note indicating if a module changes a parameter value indicates whether the parameter is an input or an output parameter).

Claim 8:

Regarding Claim 8, Baldwin '449 discloses all the limitations of Claim 7 *supra*.

Additionally, Baldwin '449 discloses: wherein determining the program statements having as one input parameter one program artifact affected by the selected program statement further comprises:

- for each previously determined program statement having as one input parameter one program artifact affected by the selected program statement (Baldwin '449: col. 5, lns. 4-25), performing the steps of:
 - (i) determining the output parameter program artifact of the statement (Baldwin '449: col. 5, lns. 2-8); and

- (ii) determining program statements in the source code files having as one input parameter the program artifact that is the output parameter of the previously determined statement (Baldwin '449: col. 5, lns. 12-25).

Claim 9:

Regarding Claim 9, Baldwin '449 discloses all the limitations of Claim 8 *supra*.

Additionally, Baldwin '449 discloses: wherein determining the program statements having as one input parameter one program artifact affected by the selected program statement further comprises:

- for each previously determined program statement having as one input parameter one program artifact that is the output parameter of one previously determined program statement having as one input parameter one program statement affected directly or indirectly by the selected source program statement (Baldwin '449: col. 5, lns. 4-25), performing the steps of:
 - (i) determining the output parameter program artifact of the determined program statement (Baldwin '449: col. 5, lns. 2-8);
 - (ii) determining program statements in the source code files having as one input parameter the program artifact that is the output parameter of the determined program statement (Baldwin '449: col. 5, lns. 12-25); and
- performing recursively the determination of program statements having as one input parameter one program artifact that is the output parameter of one previously determined program statement having as one input parameter one program statement affected directly or indirectly by the selected source statement (Baldwin '449: col. 4, lns. 65-69 – note

that in order for a call tree to be complete, the call tree generator must recursively call the program statements).

Claim 13:

Regarding Claim 13, Baldwin '449 discloses all the limitations of Claim 12 *supra*. Additionally, Baldwin '449 discloses: wherein one statement further has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement or if the output parameter program artifact of one statement other than the selected program statement has as one input parameter one program artifact affected by the selected program statement (Baldwin '449: col. 5, lns. 4-23).

Claims 16-19:

Examiner finds Claims 16-19 to be a substantive duplicate of Claims 5, and 11-13 respectively (see substantive duplicate objection in paragraph 2 of this Office Action). Accordingly, Examiner rejects Claims 16-19 on the same basis of Claims 5, and 11-13 respectively.

Claim 20:

Regarding Claim 20, Baldwin '449 discloses all the limitations of Claim 16 *supra*. Additionally, Baldwin '449 discloses: wherein selection of a plurality of program statements are received (Baldwin '449: col. 4, lns. 10-29 – note “global module selection”).

Claims 21-24:

Examiner notes that Claims 21-24 are the “system” embodiment of “method” Claims 1-4 respectively. Accordingly, Examiner rejects Claims 21-24 on the same basis as Claims 1-4 respectively.

Claim 25:

Regarding Claims 25-35 and 37-39, Examiner notes “means for” language. After applying the three-prong test as set forth in MPEP § 2181, Examiner reads claim language as per 35 U.S.C. 112, 6th paragraph. Baldwin ‘449 discloses: a system for performing an impact analysis of program statements (Baldwin ‘449: Abstract; col. 4, lns. 9-10) in a source code file that is one of a plurality of source code; files, wherein each program statement has at least one of an input parameter and output parameter (Baldwin ‘449: col. 4, lns. 42-44), comprising:

- means for receiving selection of at least one program statement in one source code file (Baldwin ‘449: col. 4, lns. 10-29 – note “global module selection”); and
- means for determining, for each selected program statement, program statements throughout the source code files having as one input parameter one program artifact that is affected by the selected program statement (Baldwin ‘449: col. 4, ln. 54 to col. 5, ln. 55 - note the "process analysis" and "impact analysis" items).

Claims 26-27, 30-32, and 34-35:

Regarding Claims 26-27, 30-32, and 34-35, Baldwin ‘449 discloses all the limitations of Claim 25 *supra*. Additionally, Baldwin ‘449 discloses:

- (Claim 26) wherein the source code files including the program artifacts affected by the selected program statement comprise components of an application program (Baldwin ‘449: col. 3, lns. 49-52).

- (Claim 27) wherein the means for determining the program statements having as one input parameter one program artifact affected by the selected program statement further performs: determining program statements in the source code files having as one input parameter the program artifact that is one output parameter to the selected program statement (Baldwin '449: col. 5, lns. 3-8).
- (Claim 30) further comprising: means for outputting information on determined program statements and program artifacts affected by each selected program statement (Baldwin '449: col. 3, ln. 63 to col. 4, ln. 5).
- (Claim 31) wherein the program artifact comprises a variable, Input/Output buffer or file (Baldwin '449: col. 14, ln. 45 to col. 15, ln. 13 - note COBOL procedures pass variables, buffers, and files).
- (Claim 32) wherein one program statement has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement (Baldwin '449: col. 5, lns. 3-8).
- (Claim 34) wherein if the selected program statement comprises a call to a program routine comprised of a plurality of statements in one of the source code files, then one statement has one input parameter that is affected by the selected program statement (Baldwin '449: col. 5, lns. 3-8) if:
 - o the output parameter program artifact of the selected source code statement is the input parameter program artifact to the statement (Baldwin '449: col. 14, lns. 48-

54 - note indicating if a module changes a parameter value indicates whether the parameter is an input or an output parameter); or

- the input parameter of the selected source code statement is the input parameter program artifact to the statement (Baldwin '449: col. 14, lns. 48-54 - note indicating if a module changes a parameter value indicates whether the parameter is an input or an output parameter).

Claim 28:

Regarding Claim 28, Baldwin '449 discloses all the limitations of Claim 27 *supra*. Additionally, Baldwin '449 discloses: wherein the means for determining the program statements having as one input parameter one program artifact affected by the selected program statement further performs for each previously determined program statement having as one input parameter one program artifact affected by the selected program statement (Baldwin '449: col. 5, lns. 4-25):

- determining the output parameter program artifact of the statement (Baldwin '449: col. 5, lns. 2-8); and
- determining program statements in the source code files having as one input parameter the program artifact that is the output parameter of the previously determined statement (Baldwin '449: col. 5, lns. 12-25).

Claim 29:

Regarding Claim 29, Baldwin '449 discloses all the limitations of Claim 28 *supra*. Additionally, Baldwin '449 discloses: wherein the means for determining the program statements

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having as one input parameter one program artifact affected by the selected program statement further performs:

- for each previously determined program statement having as one input parameter one program artifact that is the output parameter of one previously determined program statement having as one input parameter one program statement affected directly or indirectly by the selected source program statement (Baldwin '449: col. 5, lns. 4-25):
 - o determining the output parameter program artifact of the determined program statement (Baldwin '449: col. 5, lns. 2-8);
 - o determining program statements in the source code files having as one input parameter the program artifact that is the output parameter of the determined program statement (Baldwin '449: col. 5, lns. 12-25); and
- performing recursively the determination of program statements having as one input parameter one program artifact that is the output parameter of one previously determined program statement having as one input parameter one program statement affected directly or indirectly by the selected source statement (Baldwin '449: col. 4, lns. 65-69 – note that in order for a call tree to be complete, the call tree generator must recursively call the program statements).

Claim 33:

Regarding Claim 33, Baldwin '449 discloses all the limitations of Claim 32 *supra*.

Additionally, Baldwin '449 discloses: wherein one statement further has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement or if

the output parameter program artifact of one statement other than the selected program statement has as one input parameter one program artifact affected by the selected program statement (Baldwin '449: col. 5, lns. 4-23).

Claim 36:

Examiner finds Claim 36 to be a substantive duplicate of Claim 25 (see substantive duplicate objection in paragraph 3 of this Office Action). Accordingly, Examiner rejects Claim 36 on the same basis of Claim 25.

Claim 40:

Regarding Claim 40, Baldwin '449 discloses all the limitations of Claim 36 *supra*. Additionally, Baldwin '449 discloses: wherein selection of a plurality of program statements are received (Baldwin '449: col. 4, lns. 10-29 – note “global module selection”).

Claims 41-44:

Examiner notes that Claims 41-44 are the “article of manufacture” embodiment of “method” Claims 1-4 respectively. Accordingly, Examiner rejects Claims 41-44 on the same basis as Claims 1-4 respectively.

Claims 45-54:

Examiner notes that Claims 45-54 are the “article of manufacture” embodiment of “method” Claims 5-14 respectively. Accordingly, Examiner rejects Claims 45-54 on the same basis as Claims 5-14 respectively.

Claims 56-59:

Examiner notes that Claims 56-59 are the “article of manufacture” embodiment of “method” Claims 5 and 11-13 respectively. Accordingly, Examiner rejects Claims 56-59 on the same basis as Claims 5 and 11-13 respectively.

Claim 60:

Regarding Claim 60, Baldwin ‘449 discloses all the limitations of Claim 56 *supra*. Additionally, Examiner notes that Claim 50 is the “article of manufacture” embodiment of “method” Claim 20. Accordingly, Examiner rejects Claim 60 on the same basis as Claim 20.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 15, 35, 37-39, and 55, are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin ‘449 in view of U.S. Patent No. 6,003,042 issued to Melahn (“Melahn ‘042”).

Claim 15:

Regarding Claim 15, Baldwin ‘449 discloses all the limitations of Claim 5 *supra*. However, Baldwin ‘449 does not explicitly disclose: further comprising: accessing the source code files from a control management system.

Melahn ‘042 discloses a source control management system. Specifically, Melahn ‘042 discloses: further comprising: accessing the source code files from a control management system (Melahn ‘042: col. 1, lns. 48-63).

It would have been obvious to a person having ordinary skill in the art to apply the source control as disclosed by Melahn '042 to the impact analysis means of Baldwin '449. The motivation to combine is suggested by Melahn '042 which discloses that source code, such as that of Baldwin '449, when placed into source control provide for parallel development involving multiple developers (Melahn '042: col. 1, ln. 64 to col. 2, ln. 4).

Claim 35:

Regarding Claim 35, Examiner notes "means for" language. After applying the three-prong test as set forth in MPEP § 2181, Examiner reads claim language as per 35 U.S.C. 112, 6th paragraph. Baldwin '449 discloses all the limitations of Claim 25 *supra*. However, Baldwin '449 does not explicitly disclose: further comprising: accessing the source code files from a control management system.

Melahn '042 discloses a source control management system. Specifically, Melahn '042 discloses: further comprising: accessing the source code files from a control management system (Melahn '042: col. 1, lns. 48-63).

It would have been obvious to a person having ordinary skill in the art to apply the source control as disclosed by Melahn '042 to the impact analysis means of Baldwin '449. The motivation to combine is on the same basis as Claim 15 *supra*.

Claims 37-38:

Regarding Claims 37-38, Baldwin '449 and Melahn '042 in combination disclose all the limitations of Claim 35 *supra*. Additionally, Baldwin '449 and Melahn '042 in combination disclose:

- (Claim 37) wherein the program artifact comprises a variable, Input/Output buffer or file (Baldwin '449: col. 14, ln. 45 to col. 15, ln. 13 - note COBOL procedures pass variables, buffers, and files).
- (Claim 38) wherein one program statement has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement (Baldwin '449: col. 5, lns. 3-8).

Claim 39:

Regarding Claim 39, Baldwin '449 and Melahn '042 in combination disclose all the limitations of Claim 38 *supra*. Additionally, Baldwin '449 and Melahn '042 in combination disclose: wherein one statement further has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement or if the output parameter program artifact of one statement other than the selected program statement has as one input parameter one program artifact affected by the selected program statement (Baldwin '449: col. 5, lns. 4-23).

Claim 55:

Regarding Claim 55, Baldwin '449 discloses all the limitations of Claim 45 *supra*. Additionally, Examiner notes that Claim 55 is the "article of manufacture" embodiment of "method" Claim 15. Accordingly, Examiner rejects Claim 55 on the same basis as Claim 15.


Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J.D. Santos whose telephone number is 571-272-4028. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick J.D. Santos
March 14, 2005


FRANTZ COBY
PRIMARY EXAMINER